

REMARKS

This application has been carefully reviewed in light of the Office Action dated October 8, 2003 (Paper No. 14). Claims 39 to 111 are pending in the application, of which Claims 39, 53, 67, 68, 76, 80, 86, 94, 98 and 104 to 111 are independent claims. Claims 39 to 75, 80 to 93, 98 to 105, 107 to 108, 110 and 111 are withdrawn from consideration. Claims 76 to 79, 94 to 97, 106 and 109 have been amended herein and all other claims are withdrawn. Reconsideration and further examination are respectfully requested.

According to the Office Action, Claims 68 to 111 are subject to an election of species requirement, wherein Claims 68 to 75, 80 to 93, 98 to 105, 107 to 108, 110 and 11 (Species A) are allegedly directed to a patentably distinct species from that of Claims 76 to 79, 94 to 97, 106 and 109 (Species B). The Office Action indicates that Species B has been constructively elected since it the claims are drawn to the same specie as the originally claimed invention.

However, the election of species requirement is traversed on the grounds that there are not so many species alleged by the Examiner to warrant an election. Here, the two species identified by the Examiner are believed to be "rcasonable", as "reasonable" is used in 37 C.F.R. §§ 1.141(a). Consequently, Applicants respectfully request withdrawal of the election requirement and consideration of all the claims currently in the application.

Claims 76 to 79 were objected to for typographical errors. The objection is believed to be addressed by the foregoing amendment to the claims.

Claims 76, 77, 94, 95, 106 and 109 were rejected under 35 U.S.C. § 102(c) over U.S. Patent No. 6,333,796 (Endo). Claims 78, 79, 96 and 97 were rejected under 35 U.S.C. § 103 over the combination of Endo and U.S. Patent No. 5,774,232 (Tabata).

Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention relates generally to outputting image data to an output medium, wherein an output area, in obtained image data, is designated to be output to an output medium; one of a plurality of output medium sizes is selected; and an output mode is determined based on a relationship between the designated outputting area and the output medium sized selected.

Claim 76 specifically relates to an image outputting system for outputting image data to an output medium, the system comprising a designation means for designating an output area, in image data obtained by computerizing an input image, to be outputted to an output medium. The apparatus also comprising a selection means for selecting one of a plurality of output medium sizes; and a determination means for determining an output mode based on a relationship between the designated output area and the output medium size selected by the selection means.

Claim 94 relates to an image outputting method for outputting image data to an output medium, the method comprising a designation step of designating an outputting area to be output to an output medium, in the image data obtained by computerizing an input image. The method also comprising a selection step of selecting one of a plurality of output medium sizes; and a determination step of determining an output mode based on a relationship between the designated outputting area and the output medium size selected in the selection step.

Referring to Claim 106, the present invention relates to photographing system for photographing an object and outputting image data to an output medium based on photographed object image, the system comprising a photographing means for photographing an object and obtaining image data representing a photographed object image and a designation means for designating an outputting area to be outputted an output medium, in the image data. The system also comprising a selection means for selecting one of a plurality of output medium sizes; and determination means for determining an output mode based on a relationship between the designated outputting area and the output medium size selected by the selection means.

According to Claim 109, the present invention relates to a control method of controlling a photographing system for photographing an object and outputting image data to an output medium based on photographed object image, the method comprising a photographing step of photographing an object and obtaining image data representing a photographed object image; a designation step of designating an outputting area to be outputted to an output medium, in the image data; a selection step of selecting one of a plurality of output medium sizes; and a determination step of determining an output mode based on a relationship between the designated outputting area and the output medium size selected in the selection step.

The applied art is not seen to teach or suggest the features of the present invention. In particular, neither Endo nor Tabata are seen to teach or disclose the feature of determining an output mode based on a relationship between a designated outputting area in obtained image data and a selected output medium size.

Endo is seen to teach setting an image pick-up area based on available film sizes (see column 5, lines 35 to 39 of Endo) and using the set image pick-up area to perform an exposure operation. However, Endo is not seen to teach the designating an outputting area in obtained image data. Rather, according to Endo, the image pick-up area is seen to be set before image data is obtained. Therefore, Endo is not seen to teach the feature of determining an output mode based on a relationship between a designated outputting area in obtained image data and a selected output medium size.

Tabata, which was applied in the rejection of certain dependant claims, is not seen to compensate for the deficiencies of Endo. Specifically, Tabata is not seen to teach the feature of determining an output mode based on a relationship between a designated outputting area in obtained image data and a selected output medium size.

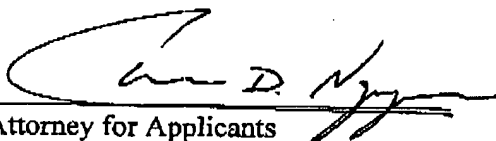
In view of the foregoing, the applied art is not seen to teach the invention as described in Claims 76, 94, 106 and 109. Reconsideration and withdrawal of the § 102(e) rejection of claims 76, 94, 106, and 109 are respectfully requested.

The other pending claims remaining under consideration in this application are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

Based on the foregoing amendments and remarks, the claims currently under consideration are believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa,  
California office at (714) 540-8700. All correspondence should continue to be directed to  
our below-listed address.

Respectfully submitted,

  
Attorney for Applicants

Registration No. 54,336

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-2200  
Facsimile: (212) 218-2200

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